

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL NO. 655.

Plaintiff.

V.

ST. JOHN'S MERCY HEALTH SYSTEM
d/b/a ST. JOHN'S MERCY MEDICAL
CENTER.

Defendant.

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) Case No.: 4:06CV01345 DDN
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**PLAINTIFF'S MOTION FOR ISSUANCE OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff United Food and Commercial Workers Union Local No. 655 ("Local 655" or "Union") hereby moves this Court to issue a temporary restraining order enjoining and restraining defendant St. John's Mercy Health System d/b/a St. John's Mercy Medical Center ("the Medical Center") from its ongoing violation of Article 15 of the collective bargaining agreement between Local 655 and the Medical Center, by refusing to reinstate Cathy Schleef to her prior position as a Nurse Practitioner in the Neonatal Intensive Care Unit in compliance with the arbitration award issued by Arbitrator Joseph Nitka on August 14, 2006. Plaintiff further moves the Court to subsequently issue a preliminary injunction extending the terms of the temporary restraining order, following a hearing on the matter. In support of these motions, plaintiffs state as follows:

1. Plaintiffs rely on all allegations in their Verified Complaint for Injunctive Relief to Enforce an Arbitration Award ("Complaint") in the above-captioned proceeding. The Complaint is adopted herein by reference.

2. If defendant is permitted to continue the conduct which plaintiff seeks to restrain and enjoin, Local 655 and its bargaining unit members will suffer substantial and irreparable injury.

3. The injury which will be inflicted upon plaintiff by the denial of a temporary restraining order would be much greater than any injury that may be inflicted upon defendant by the granting of such relief.

4. No injury would be sustained by the public through issuance of the requested temporary restraining order.

5. Plaintiff has no adequate remedy at law.

6. Plaintiff seeks the issuance of a temporary restraining order pending a hearing on their motion for preliminary injunction, unless and until defendant has complied with Article 15 of the parties' collective bargaining agreement. In the event defendant does not comply with the above requirements, plaintiff further seeks issuance of a preliminary injunction.

Respectfully submitted,

/s/ Sherrie A. Schroder
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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2006, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: none

I hereby certify that on September 11, 2006, the foregoing was hand delivered to the following:

Michael Lowenbaum
Lowenbaum Partnership, L.L.C.
222 South Central Avenue, Suite 901
St. Louis, MO 63105

/s/ Sherrie A. Schroder